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The CHAIRMAN. Ladies and gentlemen, I have had the honor conferred upon me of an invitation to preside at the evening session of the Society, and I want to express to my brother members and those who are present my disappointment at not being able to be here yesterday and last evening, when I understand there was a large attendance and a very interesting program.

I congratulate you, ladies and gentlemen, upon the progress that has been made, under the auspices of this Society, in bringing about a nearer approach of the peoples of the world to each other. It would seem as if the fullness of time, which was so necessary to that great Evangel, had come again for this new Evangel, of "peace on earth and good will to men."

The program this evening, as you are aware, concerns the very interesting question of *The Question of Domicile in Its Relation to Protection*. I have the pleasure to announce that the paper by Professor Macvane will be read by Professor Scott.

Mr. SCOTT. Mr. Chairman, ladies, and gentlemen: Professor Macvane, of Harvard University, had hoped to be present this evening, but was detained. He has sent a short note, in the form of a letter, as an evidence of his good will and interest in the proceedings of the Society. The paper deals with a restricted phase of the subject under consideration; but the conclusion touches very directly upon the broad question of domicile.

I shall read his entire letter.

LETTER OF PROF. S. M. MACVANE, OF HARVARD UNIVERSITY, TO DR. J. B. SCOTT, RECORDING SECRETARY OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW, DATED APRIL 27, 1910.

The shortness of your notice makes it impossible for me to write a formal paper. I will therefore confine myself to the form of a letter giving in brief my view of the need of change in our law of naturalization.

I think, in the first place, that our requirement of five years' residence is excessive. We are alone among great countries in de-

manding so long a period. It seems to me highly undesirable to have a large body of domiciled aliens among us. They are a source of danger to the friendly relations between states. While having their hearth and home under our government they are entitled to the protection of another government. It is at best an awkward situation, and it would be good policy to keep down, as far as possible, the number of persons occupying it. In considering the matter, it is important to keep in mind the fact that these persons are living with us, and are going to live with us, in any case. Even if we got into war with the country of their birth, we should not expel them. The gift of citizenship would not make them more dangerous, if danger be thought of in their case. I think it would make them more certainly useful to us, for we should have full right to control their action and their services.

It is worth while to recall how the progress of the world has narrowed the distinction between resident aliens and citizens. The alien has now practically complete civil rights. The bearing of this fact on our present question is that the alien is not now under any serious pressure tending to make him eager for citizenship. If we make the process of naturalization long or difficult in other ways, he easily learns that he gets on very well without it. The result is to keep the class of domiciled aliens unduly large. In my opinion, if a fixed period of residence be required, two years would be a much better rule than five. Our circumstances have changed radically since 1802 when the present rule was adopted. We have learned the value of immigration. With our present enormous body of citizens, safeguards that may have been needful in 1802 are no longer needful. We need have no fears of ill effects from too early admission of newcomers to the register of voters. This is sufficiently attested by the experience of those states that have long given the voting right to newcomers who declare their intention of becoming citizens. That declaration, be it remembered, may be made the day the immigrant arrives. I have seen no suggestion that the states in question have suffered in any way, or have failed in patriotic spirit, by reason of their liberality towards their domiciled aliens.

In the second place, the requirement of a preliminary declaration of intention, two years before admission to citizenship, is a needless complication. If the object be to give opportunity for investigation, the requirement has been futile; it has not worked so. For investigation purposes three months would be ample. When a man has come to us by his own free choice, and wishes to become a citizen, what rational object is there in putting off the event? If his mind is made up, and we find him in other ways worthy, why not admit him at once? We proclaim that he has the right of expatriation, but compel him to remain a citizen of his native country years after he has made up his mind to exercise the right.

We further complicate the case by requiring of the candidate, both in the preliminary declaration and at final admission, a formal and resounding renunciation of his allegiance to his native country. I doubt if native-born citizens quite appreciate the effect of this requirement. Perhaps I may be pardoned if I use my own case to illustrate. From the beginning of my residence in this country I intended to make it my permanent home, and to assume all the responsibilities of a citizen. But this requirement jarred on my feelings. I had deliberately abandoned my old allegiance; I was ready to swear allegiance to the United States and to live up to it. But to renounce, in those terms, and in that hard-hearted fashion, the land of my birth, seemed a sort of profanation, almost as if I were asked to renounce my mother. The requirement delayed my naturalization by at least ten years, and I have heard of other cases in which the effect was the same. Probably in most cases the renunciation is made without difficulty. Whether those who go through it lightly are the most desirable citizens may be a matter of opinion. My point is that it tends to keep serious-minded persons in the class of domiciled aliens longer than is desirable. We are practically alone in exacting it. Other countries rely on the oath of allegiance.

There is another and more fundamental objection to the requirement of renunciation. It assumes that the individual may at will renounce his allegiance by birth. That assumption can not be sus-

tained, nor have we any interest in maintaining it. The only principle we are interested in defending is that the acceptance of a new citizenship by naturalization has the effect of superseding the citizenship by birth. To that doctrine the world has practically come, under our leadership, and with that result we ought to be satisfied. Now that we are taking a place among the world-powers, we can not afford to fly in the face of the general consensus of other nations at any important point.

Probably no President of the United States will ever again maintain that an alien who has made the declaration is "clothed with the nationality of the United States." Between alien and citizen there is no intermediate class clothed, even in part, with our nationality. A domiciled alien is still an alien. In our own country we can regard him as we please; but outside our jurisdiction he is still clothed with his original nationality or with none. In a majority of our treaties regarding naturalization we have been led to admit that the declaration has no effect on citizenship.

There are so many dangers of friction between countries in connection with citizenship and naturalization, it is a pity and a grave mistake to add needless complications. Our acts of Congress relating to these subjects need radical revision. It would be impossible to conduct our foreign relations in accordance with those acts. The time has come to agitate for greater simplicity and more conformity to the usages of other free countries. My present object is to suggest, for naturalization, two years of residence, a short notice of intention, evidence of good character, and (instead of all the present oaths and declarations) the simple oath of allegiance. The great object to be aimed at is to make as nearly universal as we can the principle that the government under which a man lives shall be the only one entitled to claim his allegiance, and also the only one on which he is entitled to call for protection when out of its jurisdiction.

The CHAIRMAN. We will now hear from Professor Latané, on the same theme.